

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

MARTHA KINARD, Regional Director of §
the Sixteenth Region of the National Labor §
Relations Board, for and on Behalf of the §
NATIONAL LABOR RELATIONS §
BOARD §

Petitioner,

Civil Action No. 4:16-cv-00952-O

VS.

DISH NETWORK CORPORATION

Respondent.

**COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO’S UNOPPOSED MOTION
FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF PETITIONER**

COMES NOW Communications Workers of America, AFL-CIO (“the Union” or “CWA”) and pursuant to Local Rule 7.2(b) of the Local Civil Rules of the United States District Court for the Northern District of Texas files this unopposed motion for leave to file an *amicus curiae* brief in support of Petitioner Martha Kinard (“Petitioner”) in this case, and would respectfully show the Court the following:

1. CWA is the charging party in the underlying administrative proceeding that precipitated the filing of this petition for an injunction under Section 10(j), 29 U.S.C. § 160(j), of the National Labor Relations Act (“the Act”). (See Docket, Doc. 8-2, Appendix page (“App.”) 1208-11).

2. CWA is also the certified representative for the purpose of collective bargaining under Section 9, 29 U.S.C. § 159, of the Act for the bargaining units located at Respondent Dish

Network Corporation (“Respondent”)’s North Richland Hills, Texas and Farmers Branch, Texas facilities. (Id., App. 1211-12).

3. CWA’s interest in this case is derived from its status as the charging party and representative of the employees at issue in this case.

4. CWA’s *amicus* brief is attached to this motion and is submitted in support of petitioner’s request for an injunction.

5. The theories advanced by CWA are intended to supplement those of Petitioner and provide the Court with CWA’s position on the violations of 29 U.S.C. § 158(a)(3), Section 8(a)(3) of the Act, by retaliating against employees through the imposition of the wage cut at issue, the lack of an impasse based on the events of December 2014, and how these facts and theories support the Petitioner’s case for an injunction under Section 10(j) of the Act.

6. This motion is also unopposed by both Petitioner and Respondent as indicated on this motion’s certificate of conference.

WHEREFORE, PREMISES CONSIDERED, Communications Workers of America, AFL-CIO prays the Court grant it leave to file the attached *amicus* brief in support of the injunctive relief sought by Petitioner Martha Kinard against Respondent Dish Network Corporation for all of the reasons argued above. Communications Workers of America, AFL-CIO also prays the Court grant it any other relief it is entitled to at law or in equity.

Respectfully Submitted,

/s/ Matt Holder

Matt Holder

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COUNSEL FOR *AMICUS CURIAE*
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CERTIFICATE OF CONFERENCE

This section is to certify that on November 10, 2016, the undersigned conferred by telephone with David Foley, counsel for Petitioner, about the relief sought in this motion and counsel for Petitioner indicated Petitioner did not oppose this motion. The undersigned also conferred with Brian Balonick, counsel for Respondent, by email and telephone on November 10, 2016, and counsel for Respondent indicated Respondent also did not oppose this motion.

/s/ Matt Holder
Matt Holder

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing document was served on Counsel for Plaintiff/Counter-Defendant on this 10th day of November 2016 as follows by the Court's electronic filing system:

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